



PATENT

Attorney Docket Number 06225.0003.CPUS02

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Application of: Gilcrest et al.

Serial No.: 09/540,843

Filed: March 31, 2000

For: USE OF LOCALLY
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FRAGMENTS

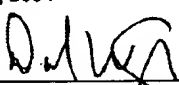
Group Art Unit: 1635

Examiner: Brian A. Whiteman

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June 21, 2004


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Attorney for Applicant

TERMINAL DISCLAIMER

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Trustees of Boston University (hereinafter the "Owner"), of Boston, Massachusetts 02215, USA, is the Owner of the entire right, title, and interest in U.S. patent application serial No. 09/540,843 (the "Application"). The assignment was recorded at the U.S. Patent & Trademark Office on July 21, 2000, Reel 010989, Frame 0528.

The Owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-owned U.S. patent application serial No. 10/122,633, filed April 12, 2002 (the "Second Patent Application"), of any patent on the Second Patent Application. The Owner hereby agrees that any patent granted on the Application shall be

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enforceable only for and during such period that it and any patent granted on the Second Application are commonly owned. This agreement runs with any patent granted on the Application and is binding upon the grantee, its successors or assigns.

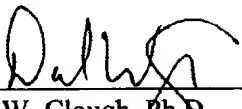
In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of any patent granted on the Second Application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The requisite fee in the amount of \$110 under 37 C.F.R. § 1.20(d) should be charged to Deposit Account No. 08-3038. The Commissioner is hereby authorized to charge any additional fees which may be required in this application or credit any overpayment, to Deposit Account No. 08-3038.

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

By: 
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Dated: June 21, 2004
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